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ATTORNEYS FOR PLAINTIFF

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

DONNA GARCIA,

Plaintiff,

vs.

RESURGENT CAPITAL L.P., LVNV
FUNDING, LLC, THE BRACHFELD LAW
GROUP, P.C.,

Defendants.

CIV. NO. 11-1253 EMC

**REQUEST FOR JUDICIAL NOTICE
AND OPPOSITION TO OBJECTIONS
TO EVIDENCE**

HON. EDWARD CHEN

EX PARTE APPLICATION FOR ORDER TO SHOW CAUSE AND MOTION TO ALTER
OR AMEND JUDGMENT

1 Plaintiff respectfully requests the Court take judicial notice of **Exhibit 3**, attached to the
2 Declaration of Ronald Wilcox, in opposition to Defendants' Motions for Summary Judgment
3 (Docket #85-2).

4 The first page of **Exhibit 3** is a press release issued by the State of Maryland. Courts
5 within the Ninth Circuit have taken judicial notice of press releases issued by State Attorney
6 General's Offices since they are a source whose accuracy cannot reasonably be questioned (*Culp*
7 *v. McGavic*, 2011 U.S. Dist. LEXIS 118999 (D. Or 2011):

8 The article in *Willamette Week* contains selected quotations from a press release issued by
9 Oregon Attorney General John Kroger. The court will exercise its discretion to take judicial
10 notice of the statements reported by the newspaper because the press release itself constitutes a
11 source whose accuracy cannot reasonably be questioned. *Fed. R. Evid. 201(b)(2)*. The press
release is available at <http://www.doj.state.or.us/releases/2011/rel031711.shtml>.

12 The press release issued by the State of Maryland Department of Labor, Licensing and
13 Regulation, is a similarly reliable government source. The press release, which is the first page
14 of Exhibit 3, can be found at: <http://www.dllr.state.md.us/whatsnews/lvnm.shtml>

15 The remaining pages of **Exhibit 3** are the Summary Order to Cease and Desist and
16 Summary Suspension of Collection Agency Licenses, which was explained in the press release.
17 The Order can be found on the State of Maryland's website at:
18 <http://www.dllr.state.md.us/finance/consumers/pdf/lvnmvc&d.pdf>

19
20 Pursuant to Fed. R. Civ. P. 201 the Court can take judicial notice of information on a
21 government entities website (*Davidson v. J.P. Morgan Chase, N.A.*, 2011 U.S. Dist. LEXIS
22 135573 (N.D. Cal. 2011):

23 The court takes judicial notice of the P&A Agreement, which is available on the FDIC's
24 website, under Fed. R. Evid. 201. *See* Fed. R. Evid. 201 (courts may take judicial notice
25 of facts "capable of accurate and ready determination by resort to sources
whose accuracy cannot reasonably be questioned").

1 Additionally, the Court can take judicial notice of orders and judgments. *Gates v. Asset*
2 *Acceptance, LLC*, 2011 U.S. Dist. LEXIS 81189 (S.D. Cal. 2011):

3 In support of its Motion, Asset requests that the Court take judicial notice of (1) the
4 complaint filed in *Asset Acceptance v. Gates*, San Diego County Superior Court, Case
5 No. 37-2009-00069393-CL-CL-EC, and (2) the judgment entered in *Asset Acceptance v.*
6 *Gates*, San Diego County Superior Court, Case No. 37-2009-00069393-CL-CL-EC. The
7 Court **GRANTS** the request for judicial notice, but only for purposes of noticing the
8 existence of the San Diego County Superior Court lawsuit and the claims made therein.
9 *See In re Bare Escentuals, Inc. Sec. Litig.*, 745 F. Supp. 2d 1052, 1067 (N.D. Cal. 2010)
10 ("[T]he court may take judicial notice of the existence of unrelated court documents,
11 although it will not take judicial notice of such documents for the truth of the matter
12 asserted therein.").

13 Furthermore, judicial notice may be taken of “adjudicative facts” such as court records
14 existence and content. Rutter, Federal Civ. Pro. Before Trial, Calif. & 9th Cir. Editions, Ch. 14.
15 Summary Judgment, E. Matters Constituting Proof, 4 [14:190] Judicial Notice; FRE 201.

16 Therefore, Plaintiff respectfully requests the Court grant this Request for Judicial Notice,
17 and deny Defendants’ objection to Exhibit 3 as evidence (Docket # 90).

18 Respectfully,

19 /s/Paul Nathan

20 Paul Nathan
21 Counsel for Plaintiff